

Robert L. Rimberg, Esq. (RLR2453)
Joel S. Schneck, Esq. (JSS7019)
GOLDBERG & RIMBERG, PLLC
115 Broadway – 3rd Floor
New York, New York 10006
Phone: (212)697-3250
Attorneys for Plaintiffs

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
972 IRREVOCABLE TRUST and
INTERMED GAS PRODUCTS, LLC.

Docket No. 1:08-cv-04907-RPP

Plaintiffs,

-against-

MICHAEL LAING, ROBERTA A.
PUGLIESE, LAING HOLDINGS
CORPORATION and INTERACTIVE
MEDICAL TECHNOLOGIES, CORP.,

Defendants.
-----X

**SUPPLEMENTAL DECLARATION OF JOEL S. SCHNECK IN
SUPPORT OF ORDER TO SHOW CAUSE**

JOEL S. SCHNECK, an attorney admitted to practice before this Court declares:

1. I am a Member of Goldberg & Rimberg, PLLC, counsel to Plaintiffs 972 Irrevocable Trust and Intermed Gas Products, LLC (“Intermed”, and collectively referred to as “Plaintiffs”). I submit this declaration in further support of Plaintiffs’ motion seeking orders: (a) pursuant to F.R.C.P.R. 65 (a) and (b) granting a temporary restraining order and preliminary injunction enjoining Michael Laing (“Laing”), Laing Holdings Corporation (“LHC”), Roberta A. Pugliese (“Pugliese”) and Interactive Medical Technologies, Corp. (“Interactive”, and collectively referred to as “Defendants”) from purchasing, selling, promoting, and/or distributing gas cylinders, valves, regulators, conserving devices, fingertip pulse oximeters and other related devices and from

otherwise competing with Intermed Gas Products, LLC's business; and (b) granting such other and further relief as to this Court seems just and proper.

2. Earlier today Plaintiffs submitted their original motion papers in support of the aforementioned relief. Since that time, Plaintiffs have obtained new evidence that the Defendants have been violating agreements with the Plaintiffs by directly competing with them and diverting corporate opportunities to themselves. The new evidence is in the form of emails to and from Defendant Laing.

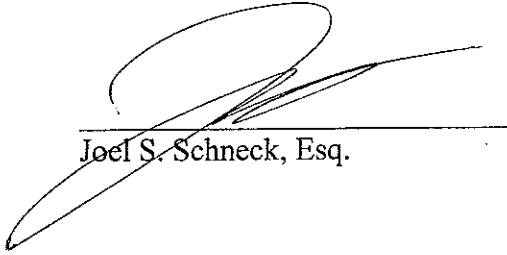
3. Annexed hereto as Exhibit "H" is an email dated June 15, 2007 from Lawrence Wang ("Wang"), product manager of Beijing Choice Electronic Technology Co., Ltd. ("Beijing"), a vendor of pulse oximeters, to discuss Beijing's line of pulse oximeters. Wang's email describes the various pulse oximeters that Beijing has for sale and the unique features of each model.

4. Between September 11, 2007 and September 14, 2007 Laing and Wang entered into discussions via email about pulse oximeter units (*see* annexed Exhibit "I".) At all times, Laing's email address was "intermedgp@aol.com" indicating he was working in his capacity as a member and employee of Intermed. On September 14, 2007, Laing sent an email to Wang indicating that he would transfer funds later that day to order samples from Beijing and that he would be ordering the pulse oximeters under his "**other company Laing Holdings Corp.**," and Wang should adjust his invoices accordingly. Laing requested the invoice read 305 Trieste Drive, Palm Beach Gardens, Florida 33418, the address to which Defendant Interactive is registered with the Florida Department of State, Division of Corporations (*see* Exhibit "J").

5. This additional evidence makes it abundantly clear that Defendants are conducting business unlawfully and in violation of agreements. Additionally, LHC and Laing, as a Member of Intermed, are clearly breaching a fiduciary duty by diverting corporate opportunities to compete

with Intermed.

WHEREFORE, it is respectfully requested that the Court grant plaintiffs' order to show cause in its entirety.



Joel S. Schneck, Esq.

EXHIBIT H

Michael Laing

From: lawrence [lawrence@choicemmed.com]
Sent: Friday, June 15, 2007 2:23 AM
To: mlaing
Subject: Distributor wanted for pulse oximeter products!

Dear Michael Laing,

This is Lawrence Wang, the product manager of Beijing Choice Electronic Technology Co., Ltd, we are the biggest manufacturer of pulse oximeter products in China. Our products are of the most competitive price and high quality, we are engaged in let all of the doctors and nurses own one unit of pulse oximeter like the "stethoscope". The purpose of this letter is enquiring whether you have interests to join us to gain the considerable mutual benefits in US, Canada, Mexico and Colombian market.

We have two families of pulse oximeter series, one is **fingertip pulse oximeter** and the other is **handheld pulse oximeter**.

Fingertip pulse oximeter series:

- **MD300C1** LED screen
- **MD300C2** Color OLED screen and six modes of display and SPO2 waveform
- **MD300C3** Color OLED screen and seven modes of display and PR tone modulation and perfusion indicator
- **MD300C4** LED screen and two directions of display can be changed

The fingertip pulse oximeter is not only used in the hospitals and clinics, but also used in sport, mountain climber, aviation and homecare area. So it also can be distributed as non medical equipment. The potential market is huge enough, our European distributors distributed more than 100000 units last year in European market.

Handheld pulse oximeter series:

- **MD300A** OLED screen and waveform
- **MD300B** LED screen and data transmission function(optional)
- **MD300I** OLED screen and waveform
- **MD500B** Wrist blood pressure and SPO2 meter

Above models are the professional medical equipment for the hospitals and clinics.

All of our products are of the CE market, and we will get FDA next month.

If you want to know more information about our company and products, please visit our website: www.choicemmed.com

6/2/2008

The warranty is 12 months for our pulse oximeter.

I enclose you the specification and price of our products, please check it in attachment. Please let me know which model you are interested in, I will try my best to give you the best price and more information.

Any question, do not hesitate to let me know.

Thank you for your time and waiting for your earliest reply!

Best regards,
Lawrence Wang
Product Manager
Beijing Choice Electronic Technology Co. Ltd.,
Tel: 0086-10-68221006 88203520
Fax: 0086-10-88204632
E-mail: Lawrence@choicemmed.com
Website: www.choicemmed.com

6/2/2008

EXHIBIT I

Michael Laing

From: Michael Laing [intermedgp@aol.com]
Sent: Friday, September 14, 2007 9:19 AM
To: 'lawrence'
Cc: 'PARKCOMISH@aol.com'
Subject: RE: RE: RE: Re: Re; Oximeters

Lawrence,
I am sending the funds to you today. Please note that I have decided to this new business through my other company Laing Holdings Corp. You will be receiving the funds from Laing holdings Corp
So please do not be confused. You will have to change the invoice to read Laing Holding Corp, 305 Trieste Drive, Palm Beach Gardens FL 33418.

You will be receiving an email from Bobbi Pugliese our managing director of Laing Holdings to update you.

I will of course keep you up to date on my review of the samples.

All the best,

Michael Laing
President
Laing Holdings Corp.

From: lawrence [mailto:lawrence@choicemmed.com]
Sent: Friday, September 14, 2007 6:50 AM
To: intermedgp@aol.com
Subject: Re: RE: RE: Re: Re; Oximeters

Dear Michael,

Thank you for your email.

When you do the transfer, please let me know in time, I am expecting to knowing your opinions about the samples.

Thank you for your time and waiting for your earliest reply!

Best Wishes!
Lawrence Wang
Product Manager
Beijing Choice Electronic Technology Co. Ltd.,
Tel:0086-10-68221006 88203520
Fax:0086-10-88204632
E-mail:lawrence@choicemmed.com
Website:www.choicemmed.com

2007-09-14

6/2/2008


~~~~~ ORIGINAL MESSAGE ~~~~~

From: Michael Laing  
To: 'lawrence'  
Send: 2007-09-13 2007-09-13  
Subject: RE: RE: Re: Re; Oximeters

---

Lawrence,  
I understand the minimum quantities necessary for the MD300C1, and this might be OK as long as there is no more than 5 or 6 companies involved. I will get your TT out ASAP.

Thanks,

Michael Laing  
President  
InterMed Gas Products, LLC

---

**From:** lawrence [mailto:lawrence@choicemmed.com]  
**Sent:** Thursday, September 13, 2007 8:49 AM  
**To:** intermedgp@aol.com  
**Subject:** Re: RE: Re: Re; Oximeters

Dear Michael,

I regulate the minimum quantity of MD300C1 is 500 units, if the US company can not reach the quantity, I will not sell to them, so it will not be so much competitors in US for this model.

I enclose you the new PI, please check it in attachment.

Waiting for your earliest reply!

Best Wishes!  
Lawrence Wang  
Product Manager  
Beijing Choice Electronic Technology Co. Ltd.,  
Tel: 0086-10-68221006 88203520  
Fax: 0086-10-88204632  
E-mail: lawrence@choicemmed.com  
Website: www.choicemmed.com

2007-09-13

~~~~~ ORIGINAL MESSAGE ~~~~~

6/2/2008

From: Michael Laing
To: 'lawrence'
Send: 2007-09-13 2007-09-13
Subject: RE: Re: Re: Oximeters

Dear Lawrence,

I understand that you will not have an exclusive arrangement for the MD300C1. How many firms will you have in the US for this product. It will not pay for me or anyone else to get involved if you are going to have 20 firms selling this product because, all it will do is bring the price down with too much competition. Please let me know your thoughts on this.

I got your invoice and I would like to change it if possible. I am sorry about the change but, in order to get started I have to deal with the three products. Could I please have the following?

| Description | Qty | Unit Price | Total US |
|--------------|-----|------------|---------------|
| MD300C1 | 5 | 48.00 | 240.00 |
| MD300C21 | 2 | 85.00 | 160.00 |
| MD300C3 | 2 | 100.00 | 100.00 |
| Total | | | 500.00 |

Please amend your invoice and send it to me ASAP.

Michael Laing
President
InterMed Gas Products

From: lawrence [mailto:lawrence@choicemed.com]
Sent: Wednesday, September 12, 2007 8:36 AM
To: Intermedgp@aol.com
Subject: Re: Re: Re: Oximeters

Dear Michael,

My market plan for MD300C1 is that I will not look for the exclusive agent for this model in US.

So it is a good idea to purchase MD300C21 and MD300C3 as target products, I enclose you the PI, please transfer the payment to me ASAP, when I get it, I will delivery the goods to you immediately.

Any question, do not hesitate to let me know.

Waiting for your earliest reply!

Best Wishes!
Lawrence Wang
Product Manager

6/2/2008

Beijing Choice Electronic Technology Co. Ltd.,
Tel:0086-10-68221006 88203520
Fax:0086-10-88204632
E-mail:lawrence@choicemmed.com
Website:www.choicemmed.com

2007-09-12

*****ORIGINAL MESSAGE*****

From:Intermedgp@aol.com
To:lawrence@choicemmed.com
Send:2007-09-11 2007-09-11
Subject:Re: Re; Oximeters

Lawrence,
I did not receive your marketing plan for the MD300C1 but, I want to purchase three samples each of the MD300C21 and MD300C3 right away.

You are right, the US market has been waiting and we will take this opportunity to do our best to introduce your products and get a nice pice of this market.

I will be reviewing the initial market needs after I receive the samples and work on a PO for you immediately.

All the best,

Michael Laing
President
InterMed Gas Products, LLC

See what's new at AOL.com and Make AOL Your Homepage.

6/2/2008

6/2/2008

EXHIBIT J

| FLORIDA DEPARTMENT OF STATE
DIVISION OF CORPORATIONS | | | | | |
|---|------------|-------------------|-------------------|-------|------|
| Home | Contact Us | E-Filing Services | Document Searches | Forms | Help |

[Previous on List](#) [Next on List](#) [Return To List](#)

No Events No Name History

Detail by Entity Name

Florida Profit Corporation

INTERACTIVE MEDICAL TECHNOLOGIES, CORP.

Filing Information

| | |
|-----------------|--------------|
| Document Number | P07000111678 |
| FEI Number | NONE |
| Date Filed | 10/10/2007 |
| State | FL |
| Status | ACTIVE |
| Effective Date | 10/09/2007 |

Principal Address

305 TRIESTE DR
PALM BEACH GARDENS FL 33418 US

Mailing Address

305 TRIESTE DR
PALM BEACH GARDENS FL 33418 US

Registered Agent Name & Address

PUGLIESE, ROBERTA
305 TRIESTE DR
PALM BEACH GARDENS FL 33418 US

Officer/Director Detail

| |
|---|
| Name & Address |
| Title PVST |
| PUGLIESE, ROBERTA
305 TRIESTE DR
PALM BEACH GARDENS FL 33418 US |
| Title D |
| PUGLIESE, ROBERTA
305 TRIESTE DR
PALM BEACH GARDENS FL 33418 US |

Annual Reports

No Annual Reports Filed

Document Images

| | |
|-------------------------------|---|
| 10/10/2007 -- Domestic Profit | <input type="button" value="View image in PDF format"/> |
|-------------------------------|---|

Note: This is not official record. See documents if question or conflict.

[Previous on List](#) [Next on List](#) [Return To List](#)

No Events

No Name History

Entity Name Search

[Home](#) [Contact us](#) [Document Searches](#) [E-Filing Services](#) [Forms](#) [Help](#)
[Copyright and Privacy Policies](#)
Copyright © 2007 State of Florida, Department of State.